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Attorneys for Plaintiff
Tempo Music Investments, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TEMPO MUSIC INVESTMENTS, LLC

Plaintiff,

v.

MILEY CYRUS, et al.;

Defendants.

Case No. 2:24-CV-07910-DDP-BFM

Assigned for all Purposes to the
Honorable Dean D. Pregerson

**STIPULATION FOR ORDER
CONTINUING HEARING ON THE
SONGWRITER DEFENDANTS'
MOTION TO DISMISS AND
CONTINUING SCHEDULING
CONFERENCE**

*[Filed concurrently with [Proposed]
Order Granting Stipulation]*

Pursuant to Civil Local Rule 7-1, Plaintiff Tempo Music Investments, LLC (“Tempo”) and Defendants Miley Cyrus, Gregory Hein, Michael Pollack, MCEO, Inc., MCEO Publishing, Songs By Gregory Hein, What Key Do You Want It In Music, Sony Music Entertainment, Sony Music Publishing (US) LLC, These Are Pulse Songs, Songs With A Pure Tone, Concord Music Publishing LLC, Droog Publishing, Warner-Tamerlane Publishing Corp., Amazon.Com Services LLC, Apple Inc., Pandora Media, LLC, Disney Platform Distribution, Inc., Target Corp., Barnes & Noble Booksellers, Inc., Tidal Music LLC, Walmart Inc., Wal-Mart.Com USA, Inc., Wide Eyed Global, iHeartMedia, Inc., and Live Nation Entertainment, Inc. (“Defendants”, and, together with Tempo, the “Parties”), by and through their attorneys of record, hereby stipulate and agree as follows:

RECITALS

WHEREAS, on September 16, 2024, Tempo filed a Complaint for copyright infringement under 17 U.S.C. § 101 *et seq.* (ECF No. 1);

WHEREAS, the deadline for Defendants to respond to the Complaint was extended to November 20, 2024 pursuant to waivers of service under Federal Rule of Civil Procedure 4(d) (ECF Nos. 34 and 36), stipulations to extend the deadline to respond to the Complaint under Civil Local Rule 8-3 (ECF Nos. 38-40), and the Court’s Order Setting Uniform Response Date and Briefing Schedule (ECF No. 45);

WHEREAS, defendants Miley Cyrus, MCEO Publishing, Gregory Hein, Songs by Gregory Hein, Michael Pollack, What Key Do You Want It In Music, and MCEO, Inc. (the “Songwriter Defendants”) filed a Motion to Dismiss the Complaint on November 20, 2024, and the Motion to Dismiss noticed a hearing on January 13, 2025 at 10:00 a.m. (ECF No. 47);

WHEREAS, on December 13, 2024, the Court set a Scheduling Conference for March 10, 2025 at 10:00 a.m. (ECF No. 51);

1 WHEREAS, on January 9, 2025, the Court entered an order continuing the
2 hearing on the Songwriter Defendants' Motion to Dismiss from January 13, 2025 to
3 January 27, 2025 pursuant to a stipulation by the Parties (ECF No. 54);

4 WHEREAS, on January 23, 2025, the Court entered an order on its own
5 motion continuing the hearing on the Songwriter Defendants' Motion to Dismiss
6 from January 27, 2025 to February 24, 2025 at 10:00 a.m. (ECF No. 55);

7 WHEREAS, lead counsel for Tempo is also lead counsel in another matter in
8 Los Angeles Superior Court in which an out-of-state deposition was set for February
9 24, 2025 after extensive motion practice, and lead trial counsel is unavailable to
10 participate in oral argument on February 24, 2025 in this matter; and

11 WHEREAS, counsel have conferred and respectfully request that this Court:
12 (1) continue the hearing on the Songwriter Defendants' Motion to Dismiss to March
13 10, 2025 at 10:00 a.m. (the time currently set for the Scheduling Conference), or the
14 next date thereafter available to the Court; and (2) continue the Scheduling
15 Conference to March 31, 2025 or the next date thereafter available to the Court to
16 maximize judicial economy and allow the Motion to Dismiss to be heard before the
17 Parties meet and confer and file reports under Federal Rule of Civil Procedure 26(f).

18 **STIPULATION**

19 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
20 among the Parties, pursuant to Civil Local Rule 7-1 that the Parties respectfully
21 request that the Court enter the accompanying Order:

22 1. Continuing the hearing on the Songwriter Defendants' Motion to
23 Dismiss to March 10, 2025, or the next date thereafter available to the Court; and

24 2. Continuing the Scheduling Conference to March 31, 2025, or the next
25 date thereafter available to the Court.
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310-855-3000

1 Dated: February 7, 2025

WILLKIE FARR & GALLAGHER LLP

2 By: /s/ Alex M. Weingarten

3 Alex M. Weingarten

4 Jeffrey K. Logan

5 Amy M. Stern

6 Emily Horak

7 *Attorneys for Plaintiff*

8 *Tempo Music Investments, LLC*

9 Dated: February 7, 2025

DAVIS WRIGHT TREMAINE LLP

10 By: /s/ Peter Anderson

11 Peter Anderson

12 Eric H. Lamm

13 Alex Cadena

14 *Attorneys for Defendants*

15 *Miley Cyrus, Gregory Hein, Michael Pollack,*
16 *MCEO, Inc., MCEO Publishing, Songs By*
17 *Gregory Hein, What Key Do You Want It In*
18 *Music, Sony Music Entertainment, Sony Music*
19 *Publishing (US) LLC, These Are Pulse Songs,*
20 *Songs With A Pure Tone, Concord Music*
21 *Publishing LLC, Droog Publishing, Warner-*
22 *Tamerlane Publishing Corp., Amazon.Com*
23 *Services LLC, Apple Inc., Pandora Media, LLC,*
24 *Disney Platform Distribution, Inc., Target Corp.,*
25 *Barnes & Noble Booksellers, Inc., Tidal Music*
26 *LLC, Walmart Inc., Wal-Mart.Com USA, Inc.,*
27 *Wide Eyed Global, iHeartMedia, Inc., and Live*
28 *Nation Entertainment, Inc.*

ATTESTATION

Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), the undersigned hereby attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: February 7, 2025

By: /s/ Alex M. Weingarten

Alex M. Weingarten

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